

SERVED : November 4, 1993

NTSB Order No. EA-4010

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 19th day of October, 1993

DAVID R. HINSON,
Administrator,
Federal Aviation Administration,

Complainant,

Docket SE-13023

v.

ISSAC NEWTON BURCHINAL, JR.,

Respondent.

ORDER DISMISSING APPEAL

On June 25, 1993, the respondent filed a notice of appeal from the oral initial decision rendered by Administrative Law Judge William R. Mullins on June 21, 1993, in this proceeding.¹ However, the respondent has failed to file an appeal brief and,

¹The law judge affirmed an order of the Administrator alleging that respondent violated sections 45.11(a), 45.21 (a), 91.7(a), 91.13(a), 91.205(a), and 91.207(a) (2) of the Federal Aviation Regulations, "FARS," but did not sustain alleged violations of 91.203(a)(1), 91.203(a)(2) and 91.417(a)(2)(i). The law judge modified the order to provide for a 120-day rather than a 365-day suspension of respondent's Airman Certificate Number 1231249 with commercial pilot privileges. The Administrator did not appeal the dismissal of the charges or the reduction in sanction.

therefore, his appeal is subject to dismissal under section 821.48(a) of the Board's Rules of Practice.² 49 CFR 821.

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's appeal is dismissed.

VOGT , Chairman, COUGHLIN, Vice Chairman, LAUBER, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

²Section 821.48(a) provides as follows:

"§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief."